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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 05 00547 PJH
)	
Plaintiff,)	PARTIES' STIPULATION AND
)	PROPOSED ORDER EXCLUDING
v.)	<u>TIME UNDER SPEEDY TRIAL ACT</u>
)	
DUKE DESHAWN WOODS,)	
)	
Defendant.)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties last appeared before this Court on October 19, 2005 for case status.

At that time, counsel for the defendant indicated that there were some items of discovery that he had not received. Counsel also indicated that he was having difficulty reviewing visual media that had been discovered to the defendant.

2. The matter was continued until November 2, 2005 at 2:30 p.m. Time was excluded by the Court for effective preparation of counsel.

3. Government counsel was informed that the case agent obtained this additional discovery on November 1, 2005. The discovery will be provided to counsel for the defendant immediately.

4. Thus, since counsel for the defendant will not have sufficient to receive and review

discovery prior to the parties scheduled appearance on November 2, 2005, both parties are requesting that the matter be continued so that defense counsel has enough time to review it and discuss the matter with his client. Thus, both parties are requesting that the matter be continued until November 30, 2005.

5. The parties move that the time period from November 2, 2005 through November 30, 2005, be excluded from the calculation of time under the Speedy Trial Act due to effective preparation of counsel.

6. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

7. For the reasons stated, the time period from November 2, 2005 through November 30, 2005, shall be excluded from the calculation of time under the Speedy Trial Act.

SO STIPULATED.

DATED: 11/01/05

Respectfully Submitted,

/s/
SUSAN R. JERICH
Assistant United States Attorney

DATED: 11/01/05

/s/
RONALD TYLER
Counsel for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 11/1/05


HON. PHYLLIS J. HAMILTON
Judge, United States District Court

LAST CONTINUANCE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Parties' Stipulation and Proposed Order in the case of United States v. Duke Deshawn Woods No. CR 05-00547 PJH, was served today as follows:

Hand Delivery
Ronald Tyler, Esq.
Federal Public Defender's Office

I certify under penalty of perjury that the foregoing is true and correct.

Executed on November 1, 2005 at San Francisco, California.

/s/
Rawaty Yim
United States Attorney's Office